

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

IN RE:	§	
	§	CASE NO. 10-11842-HCM
LAVISTA PARTNERS, L.P.	§	
	§	CHAPTER 7
DEBTOR.	§	

**MOTION FOR EXPEDITED CONSIDERATION OF TRUSTEE'S APPLICATION TO
SELL PROPERTY FREE AND CLEAR OF LIENS AND OTHER INTERESTS**

TO THE HONORABLE H. CHRISTOPHER MOTT, U.S. BANKRUPTCY JUDGE:

COMES NOW, C. Daniel Roberts, Trustee ("Trustee"), the chapter 7 trustee for the above-captioned and numbered bankruptcy case, and files this Motion for Expedited Consideration of Trustee's Application to Sell Property Free and Clear of Liens and Other Interests ("Motion to Expedite") and, in support thereof, would respectfully show the Court as follows:

1. LaVista Partners, L.P. ("Debtor") filed a chapter 11 case on July 2, 2010. The bankruptcy case was converted to a chapter 7 case on April 4, 2011, at which time the undersigned was appointed as the chapter 7 trustee.

2. Simultaneously herewith, Trustee has filed Trustee's Application to Sell Property Free and Clear of Liens and Other Interests ("Motion"). In the Motion, Trustee has requested authority to sell Litigation Claims therein described to Jimmy Nassour and/or his assigns for \$20,000.00 plus 30% of any recovery from said claims, net of attorneys fees and expenses.

3. The Litigation Claims include claims currently being asserted before this Court in Adversary No. 10-1162, Mary Guerrero McDonald, Plaintiffs vs. H. M. Pike, Jr. et al, Defendants, and La Vista Partners, L. P., Intervener (the "Adversary"). There is currently a scheduling order entered in the Adversary which contains impending deadlines. Further, the Plaintiff in the litigation has filed a motion to dismiss the Intervenor's Complaint, and Intervenor's response is due shortly.

The Litigation Claims also include claims pertaining to pending state court litigation with ongoing discovery. Obviously, the sale of the Litigation Claims will significantly affect how the pending Adversary and state court litigation advances. Failure to grant expedited consideration of the Motion may affect the value of the Litigation Claims since litigation deadlines continue to run.

4. For the reasons stated above Trustee now asks for an expedited hearing on the Motion. Counsel for Defendants in the Adversary has authorized Trustee to represent to the Court that Defendants do not oppose expedited consideration of the Motion. Counsel for the Plaintiff has indicated that Plaintiff does oppose expedited consideration.

WHEREFORE, PREMISES CONSIDERED, Trustee respectfully prays that the Court enter an order granting this Motion to Expedite. Trustee also prays for such other and further relief to which he may show himself justly entitled, both general and special, legal and equitable.

Respectfully submitted,

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ATTORNEYS FOR CHAPTER 7 TRUSTEE

CERTIFICATE OF SERVICE

By my signature above, I hereby certify that on the 22nd day of July, 2011, a true and correct copy of the foregoing document was served upon the following parties and the parties on the attached service list via electronic means as listed on the Court's ECF noticing system or by regular first class mail.

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